

# Exhibit C

FILED

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2014 JUN 18 PM 12:45

CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

Presented on behalf of Stephen Yagman,  
in his class representative capacity only

STEPHEN YAGMAN  
723 Ocean Front Walk  
Venice, California 90291-3212  
(310) 452-3200

Presented on behalf of Stephen Yagman,  
in his individual capacity only

UNITED STATES DISTRICT COURT

**ORIGINAL** CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION

STEPHEN YAGMAN, individually  
and as class representative,

Plaintiff,

v.

GENERAL MOTORS COMPANY,  
MARY BARRA, and UNKNOWN  
NAMED DEFENDANTS 1-20,

Defendants.

COMPLAINT  
(06-18-14)

(Damages, 18 U.S.C. § 1961, *et seq.*, and  
class action allegations)

JURY DEMAND

Plaintiff makes the following allegations on information and belief in  
support of this complaint:

JURISDICTION AND VENUE

1. Plaintiff asserts federal claims against defendants pursuant to 18 U.S.C.  
§ 1961, *et seq.*, and therefore the court has jurisdiction to 28 U.S.C. § 1331  
(federal question jurisdiction).

PAID

JUN 18 2014

Clerk, US District Court  
COURT 4612

13           Because defendants do business in California and all of the matters that are  
14 the basis for this action occurred in Los Angeles County, therefore, venue lies in  
15 the United States District Court for the Central District of California, and in its  
16 Western Division, pursuant to 28 U.S.C. § 1391.

18           3. Plaintiff is **STEPHEN YAGMAN** (hereinafter “Yagman” or “plaintiff”),  
19 who is a citizen of the United States of America and defendants are identified as  
20 follows: **GM** is a designer, manufacturer, and assembler of automobiles, **BARRA**  
21 is GM’s president, and Unknown Named Defendants 1-20, are persons and/or  
22 entities whose true names presently are unknown and who engaged in some  
23 conduct that is culpable with respect to plaintiff, as set forth hereinbelow.

25           4. Each and every allegation set forth in each and every averment of this  
26 pleading hereby is incorporated by this reference in each and every other averment  
27 and allegation of this pleading.

2

1           6. The Lucerne has a defect that first became apparent in 2014 and which  
2 was latent until that time, to wit: its engine stopped running when it was in motion  
3 and plaintiff was operating it and there was a complete shutdown of its electrical  
4 system.

5           7. Plaintiff immediately took the vehicle to a qualified mechanic who was  
6 unable to determine the cause of this failure and who billed plaintiff for diagnosis  
7 and a possible repair.

8           8. Plaintiff thereafter took the vehicle to an authorized GM dealership, who  
9 initially was unable to determine the cause of the failure, but who thereafter  
10 determined that the cause of the failure was mechanical and who billed plaintiff  
11 for diagnosis and possible repair.

12           9. Thereafter, the engine again stopped running, plaintiff returned to the  
13 GM dealership, who did an additional repair, for which plaintiff was billed.

14           10. Plaintiff then requested that GM and Barra reimburse plaintiff for the  
15 costs of the repair, but GM and Barra ignored and never responded to plaintiff's  
16 request.

17           11. Plaintiff now is an owner of a defective vehicle.

18           12. Defendant GM manufactured a defective vehicle.

19           13. Defendant GM sold a defective vehicle.

20           14. Defendant GM knew the vehicle was defective at the time it was put  
21 into the stream of commerce for sale and was sold.

22           15. Defendant GM concealed and covered-up the defect in the vehicle, and  
23 when the defect became known to GM it continued to deny the defect's existence.

24  
25                           **COUNT 1**

26           16. In doing and failing to do the things hereinabove alleged, defendants  
27 and each of them violated the warranty of merchantability and thereby damaged  
28 plaintiff.

**COUNT 2**

17. In doing and failing to do the things hereinabove alleged, defendants violated the warranty of fitness for a particular use of their product.

**COUNT 3**

18. By manufacturing, marketing, putting into the stream of commerce, and causing to be sold the subject vehicle and representing the vehicle as being fit for its intended purpose, defendant GM made material misrepresentations on which it intended the public and purchasers of its vehicles to rely and on which the buyers of the vehicle, including plaintiff, relied to their detriment and were damaged, and GM thereby committed fraud and mail fraud.

19.-41. Reserved.

**COUNT 4**

42. The defendants constitute an enterprise, within the meaning of 18 U.S.C. 1961(4), and GM is a RICO enterprise.

43. As regards the dealings alleged in the instant action, all defendants together are an enterprise, within the meaning of 18 U.S.C. § 1961(4).

44. The activities of all defendants affect interstate commerce.

45. Defendants received income, directly and/or indirectly, by way of, *inter alia*, salary, compensation, reimbursement for expenses, *per diem* costs reimbursements, meals, lodging, and/or travel, from the pattern of racketeering activity alleged herein and used that income in the acquisition of an interest in and/or operation of the enterprise, in violation of 18 U.S.C. 1962(a), and acquired and/or maintained control over said racketeering enterprise through a pattern of racketeering activities, as set forth herein, in violation of 18 U.S.C. 1962(b).

46. Defendants, being associated with said enterprise, conducted and/or participated in said enterprise's affairs through a pattern of racketeering activities, in violation of 18 U.S.C. 1962(c).

1           47. The pattern of racketeering activities included a continuous pattern and  
2 practice potentially involving activities, including any potential civil RICO  
3 predicates, set forth in the RICO predicate statutes, including extortion and civil  
4 rights violations.

5           48. On information and belief, the enterprises' activities have occurred on  
6 more than one occasion over the past 10 years and have been done on numerous  
7 occasions and constitute at least three acts.

8           49. The bad acts described in the matters enumerated hereinabove occurred  
9 over a significant period of time, and are related in that they evidence civil RICO  
10 predicates, including at least fraud, wire fraud, and mail fraud, and pose a threat of  
11 continued criminal activity, have the same or similar purposes, results, participants  
12 and kinds and categories of participants, victims, methods of commission, and are  
13 otherwise interrelated by their common characteristics and are not isolated events,  
14 and each and all constitute a continuing pattern of racketeering activity and  
15 constitute a long term threat of continuing racketeering activity.

16           50. These wrongful acts over a period of years and the bad acts alleged  
17 hereinabove enabled defendants to acquire and maintain, both directly and  
18 indirectly, interests in and control of the racketeering enterprises in which they all  
19 engage.

20           51. Defendants' activities led to their control and acquisition over their  
21 enterprise and resulted in the injuries to plaintiff, as alleged herein, which resulted  
22 from defendants' participation in and control of the enterprises.

23           52. By failing to prevent the wrongful conduct herein alleged, misconduct  
24 that amounted to racketeering activities, all managerial and non-managerial  
25 defendants engaged in and condoned racketeering activities.

26           53. The willful and/or negligent mismanagement of the enterprise for over  
27 10 years, with knowledge by defendants charged with management and potentially  
28

1 other defendants that it was and continues to be operated as a RICO enterprise,  
2 directly caused the harm to plaintiff, as alleged herein.

3 54. The acquisition of control of the enterprise by its participants who  
4 engaged in RICO predicate acts harmed plaintiff.

5 55. The enterprise formed by the defendants herein is an enterprise because  
6 it has an hierarchical structure and consensual structures for making decisions,  
7 and those structures have an existence beyond that which is necessary to commit  
8 the RICO predicate acts alleged herein, in that the hierarchical and consensual  
9 structures exist to accomplish doing business, and the structures for decision-  
10 making exist separate and apart from the racketeering activities.

11 56. Plaintiff was harmed in that his property, to wit, his vehicle, was  
12 subjected to, affected by, and its value affected negatively by fraud.

13 57. Both directly and indirectly, defendants in the acts and instances alleged  
14 herein, and others, have conducted the RICO enterprise's affairs and have, as a  
15 matter of fact, participated in the operation and *de facto* management of the RICO  
16 enterprise.

17 58. By the conduct alleged herein, each defendant participated in the  
18 operation and management of the RICO enterprise himself and herself and played  
19 some part in directing its affairs.

20 59. Plaintiff was injured in his property by reason of the conduct against  
21 him, as set forth hereinabove.

22 60. Plaintiff has suffered a material diminishment in the value of his  
23 property, to wit, his vehicle because it is defective and its value is diminished by  
24 the defect(s).

25 61. Defendants unlawfully have engaged in the racketeering activities set  
26 forth in the preceding averments and, on information and belief, on numerous  
27 occasions, during the past 10 years and before that, through a pattern of  
28

1 racketeering activity, and have acquired, directly and indirectly, control of the  
2 named enterprise.

3 62. Defendants, who either are officers, officials, are employed by or who  
4 are associated with the racketeering enterprise, have conducted that enterprise  
5 through a pattern of racketeering activity, as set forth hereinabove.

6 63. Through a pattern of racketeering activities, as set forth hereinabove,  
7 defendants, and each of them, acquired and/or maintained, directly and/or  
8 indirectly, interests in and/or control of the RICO enterprise and their activities by,  
9 among other things, their own aggrandizement that flows therefrom.

10 64. By virtue of the allegations set forth hereinabove, some defendants were  
11 or are employed by, all defendants were or are associated with, and all defendants  
12 participated in, directly and/or indirectly, the RICO enterprise.

13 65. Defendants unlawfully have conspired, as set forth hereinabove, to  
14 violate the provisions of 18 U.S.C. 1962(b), (c), and (d), and, on information and  
15 belief, continued to do so with the aid and assistance of co-conspirators

16 66. Plaintiff was injured in his property by reason thereof, and plaintiff is  
17 entitled to damages, to be trebled.

#### 18 **CLASS ACTION ALLEGATIONS**

19 67. Plaintiff is a member of, and represents, a class whose defining  
20 characteristics are: persons who own Buick Lucerne model years 2006 to 2011.

21 68.-69. Reserved.

22 70. The class contains over 100 members, and so numerous so that joinder  
23 of all members would be impracticable, and also, because only defendants know  
24 the names of all of the members of class, and defendants and are the only persons  
25 who have information sufficient to identify all the members of class, it is  
26 impracticable to join all the members of the class in this action.  
27  
28

1 71. As to the class, there are only common questions of fact and law with  
2 respect to the class and all of its members.

3 72. The claims made by the representative party, the plaintiff, is typical and  
4 is the same as the claims of each of the class members.

5 73. The representatives of the class fairly will represent and adequately  
6 protect the interests of all class members, and will do so both vigorously and  
7 zealously.

8 74. Prosecution of separate actions by individual class members would  
9 create a risk of inconsistent or varying adjudications with respect to class  
10 members, which would establish incompatible standards for parties opposing the  
11 class, and defendants have acted and will continue to act on grounds generally  
12 applicable to every class member, and the class questions not only predominate  
13 but are the only questions that exist.

14 75. Therefore, this action is maintainable under F.R. Civ. P. Rule 23(a), &  
15 (b)(1)(A),(B)(1),(2), and (3).

16 76. Presently, it is not possible accurately to measure the size of the class.

17 77. The nature of the notice to be provided to class members should be as  
18 follows: defendants should be required to identify and to provide a suitable notice  
19 to all class members, so that all class members will have notice that there is a class  
20 to which they may belong and which provides them an opportunity to opt-out of  
21 any of the class.

22 78. Each defendant acted or failed to act with malice, ill-will, recklessly,  
23 and/or oppressively and therefore is liable for punitive damages.

24 **WHEREFORE**, plaintiff requests relief against defendants, and each of  
25 them, as follows:

26 1. General damages to be determined in a sum exceeding \$75,000.00,  
27 exclusive of interest and costs;  
28

2. Punitive damages to be measured by defendants' net worth or profits;
3. The trebling of damages for the RICO violations;
4. Costs of suit;
5. Attorneys' fees;
6. Interest; and,
7. Such other relief as is just and proper.

  
STEPHEN YAGMAN

**JURY DEMAND**

Plaintiff demands trial by jury of all issues.

  
STEPHEN YAGMAN

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself ☒)

STEPHEN YAGMAN

(b) County Of Residence Of First Listed Plaintiff ( Except In U.S. Plaintiff Cases ):

DEFENDANTS

GENERAL MOTORS COMPANY

County Of Residence Of First Listed Defendant (In U.S. Plaintiff Cases Only):

(c) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

Stephen Yagman  
723 Ocean Front Walk  
Venice, CA 90291-3212  
(310) 452-3200

ATTORNEYS (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)  
☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties In Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only  
(Place an X in one box for plaintiff and one for defendant.)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. ORIGIN (Place an X in one box only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23 : ☒ Yes ☐ No

MONEY DEMANDED IN COMPLAINT \$ DAMAGES

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

42 U.S.C. 1983, 18 U.S.C. 1961

VII. NATURE OF SUIT (Place an X in one box only)

OTHER STATUTES	CONTRACT	TORTS PERSONAL INJURY	TORTS PROPERTY	PRISONER PETITIONS	LABOR
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 710 Fair Labor Standards Act
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 530 General Habeas Corpus	<input type="checkbox"/> 720 Labor/Mgmt. Relations
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act
<input type="checkbox"/> 450 Commerce/ICC Rates/etc	<input type="checkbox"/> 140 Negotiable Instrumt	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 740 Railway Labor Act
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 790 Other Labor Litigation
<input checked="" type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act
<input type="checkbox"/> 810 Selective Service	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<b>BANKRUPTCY</b>	<b>FORFEITURE/ PENALTY</b>	<b>PROPERTY RIGHTS</b>
<input type="checkbox"/> 850 Securities/Commodities /Exchange	<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 891 Agricultural Act	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 625 Drug Related Seizure of Property	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 892 Economic Stabilization Act	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 365 Personal Injury-Product Liability	<b>CIVIL RIGHTS</b>	<input type="checkbox"/> 630 Liquor Laws	<b>SOCIAL SECURITY</b>
<input type="checkbox"/> 893 Environmental Matters	<b>REAL PROPERTY</b>	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 894 Energy Allocation Act	<input type="checkbox"/> 210 Land Condemnation		<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 895 Freedom of Information Act	<input type="checkbox"/> 220 Foreclosure			<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 863 DIWC/DIWW (405(g))
<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	<input type="checkbox"/> 230 Rent Lease & Ejectment			<input type="checkbox"/> 690 Other	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 240 Torts to Land				<input type="checkbox"/> 865 RSI (405(g))
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 245 Tort Product Liability				<b>FEDERAL TAX SUITS</b>
	<input type="checkbox"/> 290 All Other Real Property				<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
					<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

VIII(a). IDENTICAL CASES: Has this action been previously filed and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): not applicable

FOR OFFICE USE ONLY: Case Number

CV14-04696

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET

AFTER COMPLETING THE FRONT SIDE OF FORM JS-44C, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(b). RELATED CASES: Have any cases been previously filed that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): \_\_\_\_\_

Civil cases are deemed related if a previously filed case and the present case :

- (Check all boxes that apply) ☐ A. Appear to arise from the same or substantially identical transactions, happenings, or events;  
☐ B. Involve the same or substantially the same parties or property;  
☐ C. Involve the same patent, trademark or copyright;  
☐ D. Call for determination of the same or substantially identical questions of law, or  
☐ E. Likely for other reasons may entail unnecessary duplication of labor if heard by different judges.

IX. VENUE: List the California County, or State if other than California, in which EACH named plaintiff resides (Use an additional sheet if necessary)

☐ Check here if the U.S. government, its agencies or employees is a named plaintiff.

Los Angeles

List the California County, or State if other than California, in which EACH named defendant resides. (Use an additional sheet if necessary).

☐ Check here if the U.S. government, its agencies or employees is a named defendant.

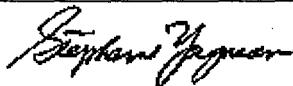
Delaware

List the California County, or State if other than California, in which EACH claim arose. (Use an additional sheet if necessary)

NOTE: In land condemnation cases, use the location of the tract of land involved.

Los Angeles

X. SIGNATURE OF ATTORNEY (OR PRO PER):



Date June 18, 2014

NOTICE TO COUNSEL/PARTIES: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3.3 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))